

Lewis Byrd  
Plaintiff,

V.

Brandon Arenz,  
Defendant.

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PETER OPPENHEIM  
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WD OF WI

Case No. 17-CV-191-Jdp

Motion to Dismiss Summary for Judgement

I am writing this motion to dismiss summary for judgement and grant judgement for the plaintiff under rule 37 failure to disclose discovery. MR. Byrd has made several attempts to get Defendants firearm certifications. MR. Byrd even filed a motion to compel Defendant to produce this discovery and the court denied MR. Byrds motion to compel. The Defendant claims they have given MR. Byrd ALL of Defendants fire arm qualifications and they are now producing New discovery after MR. Byrd has already filed his response to Defendants Summary for judgement and proposed findings of facts based on the discovery given. A large part of MR. Byrds argument was based on Defendants fire arm qualifications. MR. Byrd would of had a different argument if this information that he had asked for was not withheld. Defendants failure to disclose discovery was out of bad faith and willful disregard. Defendants failure to produce the requested discovery and leading the plaintiff and the court to believe that they produced all there was and then produce it after MR. Byrd filed his Brief in response to summary for judgement is flagrant bad faith and callous disregard of their responsibilities. MR. Byrd has made every attempt to recieve these items even filed a motion to

compel and was told that every thing that was available was produced to him by Defendant.

MR. Byrd ask the court to dismiss Defendants motion for Summary for Judgement for violation of rules 26 and 37(c)(1) and 37(B)(2)(C) and grant Judgement by default against the Defendant and in favor of the plaintiff and any other violations the court deems appropriate.

Dated: 4/23/18

Signed: Lewis E Byrd